



**Order below Exh.26 in RCC No.13/2025**

1. This is an application under Sec.503 of BNSS, 2023 for interim custody of following muddemals i.e.

१.	२.४७ ग्रॅम वजनाचे सोन्याचे कानातील रिंगा.
२.	३.७८ ग्रॅम वजनाचे एक जोड सोन्याची कान चैन.
३.	२ लाख रुपये रोख रक्कम.

2. Above muddemals has been seized in C.R.No. 92/2024 registered at Dighi Sagari Police Station. Applicant is the informant in the above crime.

3. It is the case of prosecution that, on 03/09/2024, at the residential house of informant situated at Borlipanchatan, Shrivardhan, accused persons committed theft of above muddemals by breaking the house of informant.

4. On 27/11/2024, informant lodge report against the said offence. During investigation, IO arrested the accused persons and recovered above muddemals at the instance of accused persons.

5. As per applicant, he is the owner of above mudemmals. Being the owner, he is entitled for the custody of the same and thus by way of present application, applicant prayed for the custody of the same.

6. Say of Investigation Officer, A.P.P. and accused persons were called. The learned A.P.P. filed say at Exh.29 and submitted that, if said muddemal is released, it will not be available at the time of trial. The I.O. filed say at Exh.22 thereby he gave no objection to return the said muddemals to the applicant on the necessary terms and conditions. Accused filed Say at Exh.24 and gave no objection to allow the application.

7. Heard both sides. Perused the record. Ld. A.P.P., Investigation Officer and accused persons are having no objection to return back the said muddemals to the applicant. In this context, it will be profitable to take reliance of the findings given in the landmark case of *Sundarabhai Ambala Desai Vs. State of Gujarat Reported in AIR 2002 SCW 5301*, where it is directed to the Magistrates that, *the Muddemal lying at police station having no use there, to be released as expeditiously as possible.*

8. Considering all these aspects, I am of view that no purpose will serve by keeping the said muddemals at police station as seized muddemal. The receipts of the gold ornaments are also filed along with the charge sheet which stands in the name of mother of applicant. Thus, considering its nature, I am of view that, it will not be just, legal and proper to keep the same for indefinite period as seized. Further, keeping it as seized, it will not cause any benefit. However, apart from applicant no other person has claimed the said muddemals or disputed the claim of applicant. Resultantly, I am of view that, there is no hurdle to release the said muddemals

in favour of applicant on appropriate terms and conditions consequently, following order is passed :-

**ORDER**

1. Application is allowed.
2. The interim custody of muddemals i.e. 1) २.४७ ग्रॅम वजनाचे सोन्याचे कानातील सिंगा., 2) ३.७८ ग्रॅम वजनाचे एक जोड सोन्याची कान चैन and 3) २ लाख रुपये रोख रक्कम be delivered to the applicant after :-
  - a) Preparing detailed proper panchanama of gold ornaments and cash amount.
  - b) Taking photographs of gold ornaments and cash amount.
  - c) The photographs of gold ornaments and cash amount should be attested, countersigned by applicant and concerned police officer.
  - d) On executing indemnity bond of Rs.3,00,000/- for securing the return of said muddemals as and when the trial court directs to do so.
  - e) The applicant to undertake that, she shall not sale or transfer the said muddemals without prior permission of the Court.
  - f) The applicant to undertake that, she shall not change the colour and nature of said muddemals.
  - g) The concerned police officer shall ensure that the exact weight and purity of gold ornaments is examined from the goldsmith at the time of delivery of custody in presence of the applicant and obtain consequent certificate accordingly from the concerned gold smith. He shall prepare panchanama accordingly.

h) The applicant to maintain and preserve the gold ornaments in all respects.

3. The concerned police is further directed to file all the documents which are executed by him or before him in compliance of present order along with chargesheet.

Place : Shrivardhan

Date : 31/03/2026

( S.K.Shaikh)  
Judicial Magistrate F. C.,  
Shrivardhan.